

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

5 I believe I am the original, first and sole inventor
(if only one name is listed below) or an original, first and
joint inventor (if plural names are listed below) of the
subject matter which is claimed and for which a patent is
sought on the invention entitled APPARATUS AND METHOD FOR
10 MANIPULATING TISSUE (Attorney's Docket No. LIDDICOHN-123),
the specification of which is attached hereto.

I hereby state that I have reviewed and understand the
contents of the above-identified specification, including
the claims.

15 I acknowledge the duty to disclose information which is
material to the examination of this application in
accordance with Title 37, Code of Federal Regulations,
Section 1.56(a).

20 I hereby claim priority benefits under Title 35, United
States Code, Section 119(e), of:

(1) pending prior U.S. Provisional Patent Application
Serial No. 60/429,568, filed 11/29/02 by John R. Liddicoat

et al. for TISSUE MANIPULATING METHODS AND DEVICES
(Attorney's Docket No. LIDDICOHN-1 PROV);

(2) pending prior U.S. Provisional Patent Application
Serial No. 60/453,294, filed 03/11/03 by John R. Liddicoat
5 et al. for TISSUE MANIPULATING METHODS AND DEVICES
(Attorney's Docket No. LIDDICOHN-2 PROV); and

(3) pending prior U.S. Provisional Patent Application
Serial No. 60/458,128, filed 03/27/03 by John R. Liddicoat
et al. for TISSUE MANIPULATING METHODS AND DEVICES
10 (Attorney's Docket No. LIDDICOHN-3 PROV).

I hereby appoint Pandiscio & Pandiscio, a firm composed
of Nicholas A. Pandiscio, Registration No. 17,293, Mark J.
Pandiscio, Registration No. 30,883, Scott R. Foster,
Registration No. 20,570, and James A. Sheridan, Registration
15 No. 43,114, or any of them, of 470 Totten Pond Road,
Waltham, Massachusetts 02451, (Telephone No. 781-290-0060),
my attorneys with full power of substitution and revocation,
to prosecute this application and to transact all business
in the Patent Office connected therewith.

20 Please direct all correspondence in this matter to

Mark J. Pandiscio

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road
Waltham, MA 02451-1914
Tel.: 781 290 0060
Fax.: 781 290 4840

5 Please direct all telephone calls to:

Mark J. Pandiscio or
Nicholas A. Pandiscio

I hereby declare that all statements made herein of my
own knowledge are true and that all statements made on
10 information and belief are believed to be true; and further
that these statements were made with the knowledge that
willful false statements and the like so made are punishable
by fine or imprisonment, or both, under Section 1001 of
Title 18 of the United States Code and that such willful
15 false statements may jeopardize the validity of the
application or any patent issued thereon.

20

Inventor's signature: _____

Inventor's full name: John R. Liddicoat

Date: _____

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5 Boston, MA 02114

Post Office Address: Same

Citizenship: USA

10 Inventor's signature: _____

Inventor's full name: William E. Cohn

Date: _____

Residence: 104 Lagrange Street

Chestnut Hill, MA 02467

15 Postal address: Same

Citizenship: USA

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LIDDICOHN-123